

IN THE DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

JUAN ALBERTO MORALES CRUZ

Debtor(s)

CASE NUMBER: 15-03325-MCF

CHAPTER 13

**TRUSTEE'S OBJECTION TO CLAIM NUMBER 06
FILED BY BANCO POPULAR DE PUERTO RICO
NOTICE AND CERTIFICATE OF SERVICE**

TO THE HONORABLE COURT:

COMES NOW, Alejandro Oliveras-Rivera, Standing Chapter 13 Trustee, and very respectfully ALLEGES, STATES and PRAYS:

1. On 5/27/2015 claim number 06 was filed by BANCO POPULAR DE PUERTO RICO in the amount of \$122,835.22. The Trustee objects to this claim under the following grounds:

- FBRP 3001(d) requires that the proof of claim filed as secured shall be accompanied by evidence of the security interest. Furthermore, under Puerto Rico Mortgage Law, recording in the Property Registry is essential to the validity of a mortgage. 30 L.P.R.A. 2607. In the instant case, claimant has failed to provide evidence of perfection of security.

2. Debtor is not a member of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidence by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

WHEREFORE, it is respectfully requested from this Honorable Court to: ALLOW THE CLAIM AS GENERAL UNSECURED.

30 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST: You are hereby notified that you have thirty (30) days from the date of this notice to file an opposition to the foregoing motion and to request a hearing. If no opposition is filed within the prescribed period of time, the trustee's motion will be deemed unopposed and may be granted without further hearing unless (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If a timely opposition is filed, the court will schedule a hearing as a contested matter.

CERTIFICATE OF SERVICE: I hereby certify that on this date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at ustpreion21.hr.ecf@usdoj.gov and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non ECF/CM participants: debtor(s), BANCO POPULAR C/O COLON SANTANA AND ASOCIADOS 315 COLL AND TOSTE SAN JUAN PR 00918 and parties in interest that have filed notices of appearance, included in the service list attached to the original hereof.

RESPECTFULLY SUBMITTED at San Juan, Puerto Rico, this 5/28/2015.

S/ALEJANDRO OLIVERAS RIVERA

ALEJANDRO OLIVERAS RIVERA

Chapter 13 Trustee

PO Box 9024062, San Juan, PR 00902-4062

Phone 787-977-3500 Fax 787-977-3521

CCC -SR

Department of Defense Manpower Data Center

Results as of : May-28-2015 01:30:52 PM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: MORALES CRUZFirst Name: JUAN

Middle Name:

Active Duty Status As Of: May-28-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: Y703AAB951867E0

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

BANCO POPULAR DE PUERTO RICO

MORTGAGE SERVICE DEPT 761
PO BOX 362708
SAN JUAN, PR 00936 -2708

BANCO POPULAR

C/O COLON SANTANA AND ASOCIADOS
315 COLL AND TOSTE
SAN JUAN, PR 00918

JUAN ALBERTO MORALES CRUZ

URB EL ENCANTO
229 CALLE AZUCENA
JUNCOS, PR 00777

ROBERTO FIGUEROA CARRASQUILLO*

R FIGUEROA CARRASQUILLO LAW OFFICE PSC
PO BOX 186
CAGUAS, PR 00726-0186

/s/ Juan Rivera

DATED: 5/28/2015

OFFICE OF THE CHAPTER 13 TRUSTEE